

# Spain

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

Police forces include the national police and the Civil Guard, both under the authority of the national Ministry of the Interior, as well as municipal police under the authority of the Catalan and the Basque Country regional governments. Civilian authorities maintained effective control over the police and Civil Guard, and the government generally has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. All police forces operated effectively. There were isolated reports of corruption, which were handled promptly and with results.

#### Arrest Procedures and Treatment While in Detention

The law provides that police may apprehend suspects for probable cause or with a warrant based on sufficient evidence as determined by a judge. Detainees generally were promptly informed of the charges against them, and the courts released defendants on bail unless they believed the defendants might flee or be a threat to public safety. With certain exceptions, police may not hold a suspect for more than 72 hours without a hearing. In certain rare instances involving acts of terrorism, the law allows authorities to detain persons for up to five days prior to arraignment with the authorization of a judge.

The law provides detainees the right to consult a lawyer. There were often lengthy delays, however, between the time a detained person first requested a lawyer and the time the lawyer arrived at the place of detention. The state provided legal counsel to indigent detainees.

In certain rare instances involving acts of terrorism, a judge may order incommunicado or solitary detention for the entire duration of police custody. The law stipulates that terrorism suspects held incommunicado have the right to an attorney and medical care, but they are allowed neither to choose an attorney nor to see a physician of their choice. The court-appointed lawyer is present during police and judicial proceedings, but detainees do not have the right to confer in private with the lawyer. During the year the government generally continued to implement preventive measures to safeguard the rights of detainees held incommunicado, including the application of protocols and extensive video surveillance in detention facilities and interrogation rooms to deter mistreatment or any violations of prisoner rights. AI and Human Rights Watch condemned incommunicado detention.

Pretrial Detention: As of August 12, 148 individuals were in pretrial detention. Under the law authorities may not detain suspects for more than two years before putting them on trial unless a judge authorizes a further delay, which may extend to

four years. Pretrial detention was usually less than one year.